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30 Oct 07*

FIFTH JUDICIAL DISTRICT COURT  
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,  
Plaintiff,

vs.

WARREN STEED JEFFS,  
Defendant.

MEMORANDUM IN SUPPORT OF  
MOTION IN LIMINE REGARDING  
STATEMENTS OF THE DEFENDANT

**FILED UNDER SEAL PER COURT  
ORDER**

Criminal No. 061500526

Judge James L. Shumate

The State of Utah respectfully submits this memorandum in support of its motion in limine to admit statements of the defendant.

**Statements by the Defendant**

The Washington County Purgatory Correctional Facility monitors and records all non-lawyer contacts. Notice of monitoring is displayed prominently in the jail and inmates are made aware that non-lawyer visits and phone calls are monitored by jail staff and video or audio

recorded. While awaiting trial, the defendant has engaged in many telephone calls and personal visits with non-lawyer associates and family members.

Some of the defendant's statements made during these visits and phone calls bear on his state of mind regarding his actions underlying the charges against him. Transcripts of these communications are included as attachments 1 through 3.<sup>1</sup>

On January 25, 2007, during a video-recorded personal visit between the defendant and his brother Nephi Jeffs, the defendant stated:

Warren: "Okay, just a minute."

"I am not the prophet. I never was the prophet, and I have been deceived by the powers of evil and Brother William E. Jessop has been the prophet since Father's passing, since the passing of my father."

"And I have been the most wicked man in this dispensation, in the eyes of God."

"In taking charge of my father's family, when the Lord, his God, told him not to because he could not hear him, could not hear his voice, because I did not hold priesthood."

"And I direct my former family to look to Brother William E. Jessop and I will not be calling today or ever again."

"Get rid of the former message."

"Write this down also."

Nephi: "Okay."

Warren: "As far as I possibly can be, I am sorry from the bottom of my heart."

"And write this."

"The Lord, God of Heaven, came to my prison cell two days ago to test and detect me and he saw that I would rather defy him than obey him because of the weaknesses of my flesh. I am hesitating while I'm giving this message as the Lord dictates these words to my mind and heart."

"The Lord whispers to me to have you, Nephi, send this message everywhere you can among the priesthood people and get a copy of this video, letting

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<sup>1</sup> Copies of the video and audio tape recordings have been provided to defense counsel.

anyone see it who desires to see it. They will see that I voice these words myself.”

“I ask, write this down. The Lord told me to say, and I yearn for everyone’s forgiveness for my aspiring and selfish way of life, in deceiving the elect, breaking the new and everlasting covenant and being the most wicked man on the face of the Earth in this last dispensation.”

“Farewell all of you, for the Lord has promised that I would be, I would have a place in the Telestial Kingdom of God, if I had my brother Nephi write these words down.”

“The Lord came yesterday, no, two days ago and bestowed upon me the gift to understand his words. Then he spoke to me, without the powers of evil interfering, so that I could have this opportunity to undo what I have done. And I ask for everyone’s forgiveness and say farewell forever you who are worthy for Zion, for I will not be there.” (Attachment 1).

In a series of telephone conversations preceding his meeting with Nephi Jeffs, the defendant separately told multiple family members that he had “not held the priesthood” *since he was twenty*. For example, during a telephone conversation on Jan. 24, 2007, at 17:08 hours (5:08 p.m.), the defendant said:

Warren: “The Lord has shown me that I need to say myself whatever I’m able to. I love you and I’m sorry for all that happened. He showed me though I was in a key position, I was not the key holder. That Leroy does hold priesthood and will be restored. It is me who committed immoral acts with a sister and a daughter of ...and I’ve just been deceived by the devil who was an angel of light. Because I have been in a key position the Lord came and showed me that he made sure, that since I was in the key position, which was done right. Things will be set in order by Brother William, okay.”

Answerer: “Are you, is this just a test for us?”

Warren: “What’s that?”

Answerer: “Are you just giving us a test right now?”

Warren: “This is all true. Let me talk to Naomi now. I love you.”

Answerer: “I love you.”

Warren: “I want you to know that, so...”

Answerer: “The presiding elder is right here.”

Warren: “What’s that?”

Answerer: “Uncle Merrill is right here.”

Warren: “Yes, I need to talk to him.”

Answerer: "Okay, here's (inaudible)."

Naomi: "Hello."

Warren: "Hello there."

Naomi: "Hi."

Warren: "The Lord showed me recently though I've been in the key position, I am not the key holder since Father's passing. I was covered with immorality with a sister and a daughter when I was younger and he's shown me and detected me to myself. I haven't held priesthood since I was twenty. Reach for the devil as an angel of light appearing and all those, most of those sessions were (inaudible) in deception. You'll need to destroy all of your dictations because they are not of God. All of mine are to be destroyed, except the ones with revelations are true because I was in the key position. All except October 2004, all of those were not. And the one about me on June 20, about June 20, 2003, that one was not, about the atonement issue. And that you need to be re-baptized and that you'll be given to Brother William. So will all the ladies. You heard the recording? Did you hear the recording I made?"

Naomi: "Yes."

Warren: "The Lord does not speak to the key holder through a woman. So there is a lesson to be careful with. I love you with all I'm able to and let me talk to Brother Merrill." (Attachment 2).

The defendant *has not retracted or disavowed these statements*. As recently as June 11, 2007, the defendant placed a phone call to Merrill Jessop, a prominent FLDS member, and reiterated:

"I am not the one to be the prophet, and I am not the one to continue. That's all I have to say right now. Thank you." (Attachment 3).

**I. The Defendant's Statements Are Relevant Under Rule 401 As Evidence of the Defendant's Power, Authority, and Control over Elissa Wall and to Rebut Defense Arguments that Religious Motivation Excuses Defendant's Conduct**

To make its case, the State must prove that the defendant intentionally, knowingly, or recklessly solicited, requested, commanded, encouraged, or intentionally aided another to have nonconsensual sexual intercourse with Elissa Wall.

The State's evidence is that Elissa Wall was subjected to unwanted sexual intercourse with her adult first-cousin entirely as a result of the defendant's power and control over every aspect of her life. On the other hand, the defense has argued that the defendant merely performed a ceremony and offered religious counseling like any other religious leader. *See Preliminary Hrg. Trnscr.* 75:1-19; 76:14-25; 78:21-25; 79:1-20 (Dec. 14, 2006). The defendant's jailhouse statements are relevant because they support the State's evidence and undermine the defense arguments.

Unless excluded for some other basis, "all relevant evidence is admissible." Utah Rule of Evidence 402. Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Utah Rule of Evidence 401.

The jailhouse statements are evidence that the defendant's actions in this case were part of a calculated effort to maintain power and control over the lives of all FLDS believers. The defendant's apology for his "aspiring and selfish way of life" and his acknowledgement that "I haven't held priesthood since I was twenty" are evidence that his exercise of power over both Elissa Wall and Alan Steed was motivated by secular desires to consolidate and maintain his own personal power. As such, the statements undermine the defense argument that the defendant simply offered "generic religious dogma" as counseling. *Preliminary Hrg. Trnscr.* 91:14-25 (Dec. 14, 2006). Moreover, since the defendant's words encompass the time period since he was twenty, they reflect his state of mind during the time at issue in this case.

The defendant's words support the State's argument that he sought to control and contain a girl who balked at his commands and might have caused trouble with law enforcement. At preliminary hearing, Elissa Wall testified that she sought relief from the pending marriage from the defendant's father, Rulon Jeffs. Rulon told Elissa to "follow your heart." Preliminary Hrg. Trsnr. 124:21-22 (Nov. 21, 2006). But, the defendant insisted the ceremony go forward and told Elissa "your heart is in the wrong place." *Id.* at 125:7-9. While in jail, the defendant stated "all of the ordinances, since father's passing are not valid." Attachment 2, at 1747 hours (5:47 p.m.). This statement logically implies an acknowledgment that actions contrary to Rulon Jeff's position were not religiously justified.

Additionally, the defendant's statements were made specifically in the context of his current incarceration on the pending charges. The defendant said, "you can tell anybody who wants to read this message, or see the video, that they can see it, even apostates and gentiles." Attachment 1, p. 6. The defendant also said, "If you would Nephi, you could keep a little money in commissary, whatever prison I'm in." Attachment 1, p. 6. Therefore, the statement "[t]he Lord told me to say and I yearn for everyone's forgiveness for my aspiring and selfish way of life in deceiving the elect . . . and being the most wicked man on the face of the earth in this last dispensation," supports a reasonable inference that the defendant was deceitful and needing forgiveness for his actions, including his manipulation of the victim in this case.

Similarly, the defendant's statement that he has the opportunity "to undo what I have done" allows a reasonable inference that the reasons for which the defendant is in jail should be undone and forgiveness sought.

The defendant's statements are relevant under Utah Rules of Evidence 401 and 402 because the statements make it "more probable" that the defendant indeed exercised power and control over Elissa Wall to encourage her to engage in non-consensual sexual intercourse and make it "less probable" that the defendant acted merely as a generic religious counselor.

## **II. The Defendant's Statements Are Not Unfairly Prejudicial**

"Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice..." Utah Rule of Evidence 403. In this case, the risk of unfair prejudice to the defendant is slight because the evidence will not lead the jury to reach a decision on an improper basis.

The Utah Supreme Court explained:

Since all effective evidence is prejudicial in the sense of being damaging to the party against whom it is offered, prejudice which calls for exclusion is given a more specialized meaning: an undue tendency to suggest decision on an improper basis, commonly but not necessarily an emotional one, such as bias, sympathy, hatred, contempt, retribution or horror. Where a danger of unfair prejudice is perceived, the degree of likely prejudice must also be considered. The mere fact that evidence possesses a tendency to suggest a decision upon an improper basis does not require exclusion; evidence may be excluded only if the danger of unfair prejudice substantially outweighs the probative value of the proffered evidence.

*State v. Maurer*, 770 P.2d 981, 984 (Utah 1989) (noting that Utah Rule of Evidence 403 is verbatim to the Federal Rule of Evidence 403 and quoting M. Graham, *Handbook of Federal Evidence*, § 403 at 183-83 (2d ed. 1986)).

In *Maurer*, the Utah Supreme Court held that statements in an otherwise relevant letter written by the defendant that were "repulsive," "shocking," and "highly inflammatory" should have been excised rather than submitted to the jury. *Id.* at 983.

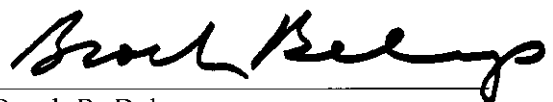
In this case, the defendant's statements will not lead the jury to reach a decision on an improper basis because the statements are not emotionally inflammatory or horrific. The statements do not reflect callousness or cruelty to the victim. They do not arouse anger, hatred or provoke a sense of revenge. Unlike the statements in *Maurer*, the defendant's statements may be embarrassing, but they do not provoke the type of response that would cause a jury to base its decision on inappropriate grounds.

Because the statements are not unfairly prejudicial, the danger of unfair prejudice does not substantially outweigh the evidence's probative value and Rule 403 does not prohibit its admissibility.

### CONCLUSION

The Court should permit the State to submit the defendant's statements to the jury because the statements are relevant under Utah Rules of Evidence 401 and 402 because they make it "more probable" that the defendant indeed exercised power and control over Elissa Wall to encourage her to engage in non-consensual sexual intercourse and make it "less probable" that the defendant acted merely as a generic religious counselor. Moreover, the statements are not unfairly prejudicial.

DATED and signed this 9<sup>th</sup> day of July, 2007.



Brock R. Belnap  
Washington County Attorney's Office

### CERTIFICATE OF DELIVERY

I hereby certify that, on the 9th day of July, 2007, I caused a true and correct copy of the foregoing Memorandum in Support of Motion in Limine Regarding Statements of the Defendant to be served as follows:

Walter F. Bugden, Jr.  
Tara L. Isaacson  
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Wright Judd & Winckler  
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Attorney for Media Intervenors  
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Salt Lake City UT 84111  
(via facsimile & 1<sup>st</sup> Class mail)

  
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# Attachment 1

**WASHINGTON COUNTY SHERIFF'S OFFICE**  
**UNOFFICAL TRANSCRIPTION**

**SUBJECT: WARREN JEFFS VISIT WITH NEPHI JEFFS ON 01-25-2007**

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**Warren:** "Consider yesterday a great testament, be at peace, I'm doing well. A test on me and a test on them and to stay fervent."  
"Have the presiding elder close by so I can talk to him."

**Nephi:** "Okay."

**Warren:** "And the others, I'll talk to personally."  
"God lives, I'm going through tests."  
"Have peace and..."  
"I know I've sent messages, when I called, stick around here and send a message to you, you stay around and you'll see what happens. Lindsay may need to stay around too, so."  
"There are only two way to go. One is to live by every word of God or reject that message. When the Lord allows us a test, let us turn to him to be at peace. Know that our covenants are true, do not deny them. There will be a prepared people. We stand with Father in priesthood, this I know is true and do not deny it. I'm encouraged in the Lord, and although there is pressures and tests, I carry on. I've been fasting for three days and was up all night, the night before last."  
"I will...carry on."

**Nephi:** "Yes Sir."

**Warren:** "Glad to see you. The lawyer came in too, saying the family called and was concerned."

**Nephi:** "Yes, I was the one being in contact with him."

**Warren:** "With who?"

**Nephi:** "With Rick."

**Warren:** "But who called you?"

**Nephi:** "The presiding elder and the bishop."

**Warren:** "Okay, they asked to call and see how I'm doing?"

**Nephi:** "Yes, they are, yes sir."

**Warren:** "Tell them to be where I could possibly talk...be at peace. They can hear that too. I sent a message that they need to be careful with. Consider this all a test, and I will be talking, all right."

**Nephi:** "Okay Sir."

**Warren:** "We will not get discouraged, don't lose our testimonies. Make sure we are close to the Lord."

**Nephi:** "Yes Sir."

**Warren:** "Alright, the lawyer came in all worried about me, they want me to see doctors."

**Nephi:** "Yes, that's what we've been working with the presiding elder on all this and that's what he's been recommending and that doctor was the one the lawyer recommended."

**Warren:** "They just measured me, I lost twenty pounds, and I'm down to one hundred and thirty-one."

**Nephi:** "Well, I'm sure anxious..."

**Warren:** "I'm still smiling."

**Nephi:** "I'm sure anxious to help in any way. I'm sure grateful for you and you're perfect in every way."

**Warren:** "If we were perfect we would be doing better."  
"Live by testimony, will you?"

**Nephi:** "Yes Sir."

**Warren:** "Make sure you're fervent."

**Nephi:** "Yes Sir."

**Warren:** "Alright."

**Nephi:** "I do have some phone numbers, the same ones that Rick had, if you have a pen."

**Warren:** "Well, I don't have a pen, and here's a note: Leland Nielson wishes somebody to give a blessing to his little girl, phone number 212-0326, intensive care hospital, just round somebody up, call, call presiding people who they can send."

**Nephi:** "Okay."

**Warren:** "I just got a note from the head of the prison here."

**Nephi:** "Oh, wow."

**Warren:** "They came and saw me. My out time will be at three, or after, I don't know for sure. They even searched my cell and [inaudible] anything."

**Nephi:** "Sure. I'm just anxious, whatever is best for you."

**Warren:** "Okay. Write this down."  
"Dear brothers and sisters, I love you and be encouraged. Let there be no dissension and

be at peace. Have your testimonies bright, and be delivered from all deceptions..."

**13 MINUTES AND 20 SECONDS LATER**

**Warren:** "Okay, thank you, goodbye."

**WARREN BRIEFLY HUNG-UP THE PHONE**

**Nephi:** "Thank you. We love you."

**Warren:** "What's that?"

**Nephi:** "We love you, thank you."  
"Just anxious to be a strength in every way."

**2 MINUTES AND 3 SECONDS LATER**

**Nephi:** "I need to tell you that I am not at, I don't have those two phone numbers that usually you called on."

**Warren:** "Oh."

**Nephi:** "The land line has changed and my cell, I don't have with me, but I have another one."

**Warren:** "I don't have a pen."

**Nephi:** "Okay, if I can leave it with Rick or someone else that you have a number to if you wished."

**Warren:** "Okay, that would be fine."

**Nephi:** "I do have that, you do have a cell phone, you had two cell phone numbers, I do still have that one. So you do have that."

**Warren:** "Okay."

**Nephi:** "And I can get you these other ones for brother and the presiding elder."  
"We put seven hundred in commissary, I believe it was yesterday, I don't know if you've seen it yet. Just letting you know. I asked Lindsay to do that before..."

**1 MINUTE AND 31 SECONDS LATER**

**Nephi:** "We're so grateful for you and we have no doubts or fears, just anxious to be an increase in strength."

**Warren:** "Hold on that message until I call you."

**Nephi:** "Okay Sir."

**Warren:** "Thank you."

**Nephi:** "Thank you."

**Warren:** "Don't call into the family yet, just give your number to Rick."

**Nephi:** "Okay."

**Warren:** "Thank you."

**Nephi:** "Thank you Sir. I did get the message from Rick before I got here and I called the presiding elder to call your family, so."

**Warren:** "Okay."

**Nephi:** "Shall we proceed forth in getting that doctor in?"

**1 MINUTE 17 SECONDS LATER**

**Nephi:** "It's just a privilege to be in your presence."

**1 MINUTE 5 SECONDS LATER**

**Nephi:** "We know you carry a weight or a load greater than any of us can comprehend."  
"Just anxious to be a greater strength, to live as we've been taught, exert greater faith."

**Warren:** "Okay, thank you."

**Nephi:** "Thank you Sir. We sure love you. Thank you."

**WARREN BRIEFLY HUNG UP THE PHONE**

**1 MINUTE 42 SECONDS LATER**

**Warren:** "Okay, don't send that message for them, thank you."

**Nephi:** "Okay Sir, thank you."

**WARREN HANGS UP THE PHONE**

**1 MINUTE AND 55 SECONDS LATER HE PICKS THE PHONE BACK UP**

**Warren:** "Write this down."

**Nephi:** "Okay."

**Warren:** "A message from the Lord, God of Heaven, through his former servant, who is not his servant, that the messages I gave yesterday are true, except for the part about being the

most wicked, the wickedest man on the face of the Earth since Adam's time. That part is from the powers of The Evil One that were trying to influence me."

## 2 MINUTES AND 23 SECONDS LATER

**Warren:** "Okay."

**Nephi:** "This is..."

**Warren:** "Just a minute, go ahead."

**Nephi:** "I'm sorry, I just..."

**Warren:** "Just a minute."

**Nephi:** "Okay."

## 2 MINUTES AND 26 SECONDS LATER

**Warren:** "Okay, just a minute."

"I am not the prophet. I never was the prophet, and I have been deceived by the powers of evil and Brother William E. Jessop has been the prophet since Father's passing, since the passing of my father."

"And I have been the most wicked man in this dispensation, in the eyes of God."

"In taking charge of my father's family, when the Lord, his God, told him not to because he could not hear him, could not hear his voice, because I did not hold priesthood."

"And I direct my former family to look to Brother William E. Jessop and I will not be calling today or ever again."

"Get rid of the former message."

"Write this down also."

**Nephi:** "Okay."

**Warren:** "As far as I possibly can be, I am sorry from the bottom of my heart."

"And write this."

"The Lord, God of Heaven, came to my prison cell two days ago to test and detect me and he saw that I would rather defy him than obey him because of the weaknesses of my flesh. I am hesitating while I'm giving this message as the Lord dictates these words to my mind and heart."

"The Lord whispers to me to have you, Nephi, send this message everywhere you can among the priesthood people and get a copy of this video, letting anyone see it who desires to see it. They will see that I voice these words myself."

"I ask, write this down. The Lord told me to say, and I yearn for everyone's forgiveness for my aspiring and selfish way of life, in deceiving the elect, breaking the new and everlasting covenant and being the most wicked man on the face of the Earth in this last dispensation."

"Farewell all of you, for the Lord has promised that I would be, I would have a place in the Telestial Kingdom of God, if I had my brother Nephi write these words down."

"The Lord came yesterday, no, two days ago and bestowed upon me the gift to understand his words. Then he spoke to me, without the powers of evil interfering, so that I could have this opportunity to undo what I have done. And I ask for everyone's forgiveness and say farewell forever you who are worthy for Zion, for I will not be there."

**Nephi:** "Yes you will. This is just a test."

**Warren:** "Give this to all the priesthood people, this message to you, alright?"

**Nephi:** "Okay."

**Warren:** "Let everyone see the video who wants to."

"The Lord wants me to...(crying) that he finally shed a tear for, the Lord, his God, who has redeemed his son."

"He whispers that you, Nephi, need to get a copy of this video before you leave, if you can or order it."

"You can tell he's still dictating to me to tell you, Nephi, before he leaves me to my punishment. To Nephi, you can tell anybody who wants to read this message, or see the video, that they can see it, even apostates and gentiles. That they may know that I have been a liar and the truth is not in me."

"Tell the family I will not be calling anymore, not even today."

"Thank you."

**Nephi:** "We love you."

"This is a test. You are the prophet."

**Warren:** "If you would Nephi, you could keep a little money in commissary, whatever prison I'm put in, but it's up to you."

**Nephi:** "We will not forsake you."

**Warren:** "Just a minute."

"The Lord is still dictating."

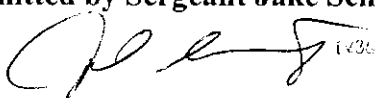
"This is not a test, this is a revelation from the Lord, God of Heaven, through his former servant, who is never his servant, who is dictating these words at this time, that you may know, this is not a test."

"I say farewell again, to all who qualify for Zion."

"Farewell."

**Nephi:** "We love you. We love you. We love you."

**Submitted by Sergeant Jake Schultz 01-26-2007**

A handwritten signature in black ink, appearing to read 'Jake Schultz', with a small '1436' written below it.

# Attachment 2

- Warren instructed them to have plenty of supplies, in case people needed to return to the land of refuge.
- Warren warned that everyone should have their personal records, priesthood records, personal books and family records stored away in "that room at the meeting house," in case families are taken and examined by the authorities.
- Warren stated that their needs to be an organization of the people, so they can be prepared for any circumstance that may come upon them. He indicated that there will be people left to guard the land.

**01-24-2007 1555 hours DURATION: 8 minutes**  
**NUMBER DIALED: (325) 853-1144**

**ANSWERED BY: Phone**  
**Answerer**

Answerer: "Hello."  
 Warren: "Howdy."  
 Answerer: "Hi."  
 Warren: "I just want family there and nobody else, okay?"  
 Answerer: "Yes, there is no one else here."  
 Warren: "You'll make a recording, then you'll destroy the recording..."  
 Answerer: "Okay."  
 Warren: "after the presiding elder hears it."  
 Answerer: "Okay."  
 Warren: "Thank you, don't right it down or anything."  
 Answerer: "Okay."  
 Warren: "I think they're there."  
 Warren: "Okay. Hello? Anybody there? Is it up?"  
 Answerer: "I thought so."  
 Warren: "Hello there."  
 Congregation: "Hello."  
 Warren: "I want you to tell the presiding elder that the Lord showed me that David Fischer and family should be sent back to Short Creek and be removed from the land and go in the house where Lindsay Barlow lives, make the move quietly. And he showed me that Lindsay Barlow and family should move to where to David Fischer's family is. It won't matter if it's quiet, you can just do it. I want nobody to be writing any notes. You don't write any notes about this phone call, do you understand? And I want all of you to keep it completely quiet, just on that land and be at peace, know the Lord loves you and he is taking care of you. The Lord has shown me that I am one of the most wicked men on the face of the Earth since the days of Adam, that I do not hold priesthood anymore and that you, my family, should look to Brother William E. Jessop as key holder of priesthood and Brother Merrill is his second counselor. I will send a note to them to tell them, so you do not need to tell them. Brother Merrill should hear this recording and then the recording should be destroyed. All of my family is released and stay there and you should all be under Brother Merrill Jessop's direction. He wants me to say, the Lord has come and shown me this much, in his way, again that I have been one of the most wicked men on the face of the Earth since the days of Father Adam because I would not shed but one tear for the faithful of the saints of God when he commanded me. I will not be calling

anymore and look to the right authority. He has allowed me to say that much. According to Section 43 of the Doctrine of Covenants verse 4, one key holder appoints the next. You will all need to be very quiet, not even tell the people on the land for now. [Inaudible] to the recording, tell Brother Merrill to call a meeting and inform all the people on that land, but to keep it quiet, just on that land. You will be getting other notes about it. And this is my farewell to you. I love you and follow the [inaudible]. This is a message from the Lord. Goodbye."

**01-24-2007 1605 hours DURATION: 2 minutes**  
**NUMBER DIALED: (435) 313-2039**

**ANSWERED BY: Lindsay  
Barlow**

Lindsay: "Hello."  
Warren: "Good to hear you."  
Lindsay: "You too."  
Warren: "Would you please take care of that right away, leave right away."  
Lindsay: "Yes."  
Warren: "And hand it personally to Brother Merrill."  
Lindsay: "Okay, I'll do that."  
Warren: "And you are supposed to move my family to R17."  
Lindsay: "Okay, say that again."  
Warren: "You are supposed to, you and your family are to move to the land of refuge, R17 and stay in the house where David Fischer is."  
Lindsay: "Okay."  
Warren: "David Fischer and family are supposed to move out, and I left a message there, and move into your home in Short Creek."  
Lindsay: "Okay."  
Warren: "And tell Nephi Jeffs that he does not need to be here anymore, he can move back to the, with his family."  
Lindsay: "Okay."  
Warren: "On that land where you'll go."  
Lindsay: "Okay."  
Warren: "Pack up and get going."  
Lindsay: "Okay."  
Warren: "But get this there first, then come back and get your family."  
Lindsay: "Okay."  
Warren: "Thank you."  
Lindsay: "Thank you."  
Warren: "Go soon, bye."

**01-24-2007 1708 hours DURATION: 9 minutes**  
**NUMBER DIALED: (325) 853-1662**

**ANSWERED BY: Phone  
Answerer**

Answerer: "Hello."  
Warren: "Tis I. Are you there?"  
Answerer: "Yes Sir, it is so good to hear you."  
Warren: "Send somebody to get #91 right now."  
Answerer: "They're picking up the phone right now."  
Warren: "Just want her at your phone, nobody pick-up the phone."

Answerer: "Okay."  
 Warren: "I want to say something to you."  
 Answerer: "Okay."  
 Warren: "The Lord has shown me that I need to say myself whatever I'm able to. I love you and I'm sorry for all that's happened. He showed me though I was in a key position, I was not the key holder. That Leroy does hold priesthood and will be restored. It is me who committed immoral acts with a sister and a daughter of...and I've just been deceived by the devil who was an angel of light. Because I have been in a key position the Lord came and showed me that he made sure, that since I was in the key position, which was done right. Things will be set in order by Brother William, okay."

Answerer: "Are you, is this just a test for us?"  
 Warren: "What's that?"  
 Answerer: "Are you just giving us a test right now?"  
 Warren: "This is all true. Let me talk to Naomi now. I love you."  
 Answerer: "I love you."  
 Warren: "I want you to know that, so..."  
 Answerer: "The presiding elder is right here."  
 Warren: "What's that?"  
 Answerer: "Uncle Merrill is right here."  
 Warren: "Yes, I need to talk to him."  
 Answerer: "Okay, here's [inaudible]."

Naomi: "Hello."  
 Warren: "Hello there."  
 Naomi: "Hi."  
 Warren: "The Lord showed me recently though I've been in the key position, I am not the key holder since Father's passing. I was covered with immorality with a sister and a daughter when I was younger and he's shown me and detected me to myself. I haven't held priesthood since I was twenty. Reach for the devil as an angel of light appearing and all those, most of those sessions were [inaudible] in deception. You'll need to destroy all of your dictations because they are not of God. All of mine are to be destroyed, except the ones with revelations are true because I was in the key position. All except October 2004, all of those were not. And the one about me on June 20, about June 20, 2003, that one was not, about the atonement issue. And that you need to be re-baptized and that you'll be given to Brother William. So will all the ladies. You heard the recording? Did you hear the recording I made?"

Naomi: "Yes."  
 Warren: "The Lord does not speak to the key holder through a woman. So there is a lesson to be careful with. I love you with all I'm able to and let me talk to Brother Merrill."

Merrill: "Hello."  
 Warren: "Brother Merrill?"  
 Merrill: "Yes."  
 Warren: "Again note the Lord showed me that Brother William is the key holder, Brother William Jessop and I wrote a note on there that is wrong. Brother Wendell Nielson does hold priesthood and he needs to come back with his family right

away. The note will say he doesn't, so I was corrected and the Lord stopped me in my progress. Look to Brother William Jessop.  
 Merrill: (Spoke to softly to decipher.)  
 Warren: "Brother William will direct you on any ordinances and...and all the ladies who are part of me need to be re-baptized and the children, all my family. I haven't been in the key position, though I was in a key position through revelations, most of them true, I told Naomi which ones. And Brother William will direct you on any ordinance work. But the Lord did show me David Fischer should move to Short Creek and trade houses with Lindsay Barlow and Brother William will verify it."  
 Merrill: "Is it alright to ask you a few questions?"  
 Warren: "Pardon, I didn't hear you."  
 Merrill: "Is is alright to ask you a few questions?"  
 Warren: "No. Read a note I sent to you and follow through at a point according to proper order. Although it's not fully true I've been shown. But I expect ahead and Brother William will tell you much more, okay? He's the one you talk to. Thank you and goodbye."

**01-24-2007 1729 hours DURATION: 9 minutes**  
**NUMBER DIALED: (325) 853-1662**

**ANSWERED BY: Phone**  
**Answerer**

Answerer: "Hello. Hello?"  
 Warren: "Howdy, I need to speak to Brother Merrill right now."  
 Answerer: "Okay."  
 Warren: "Presiding..."  
 Male: "Hello."  
 Warren: "Hello."  
 Male: "Yes Sir."  
 Warren: "I need a phone number to Brother Merrill."  
 Male: "You need one, you say?"  
 Warren: "Pardon?"  
 Male: "Did you need one..."  
 Warren: "Yes, could you get me the number."  
 Male: "[Inaudible]."  
 Warren: "Are you there?"  
 Male: "Getting [inaudible]."  
 Warren: "Did you hear the message?"  
 Male: "Yes I did. I have that number it's..."  
 Warren: "I'm telling you that I'm not the key holder. The Lord intervened because I was in a key position, showed me I didn't hold the priesthood since I was twenty and all the ordinance work will have to be done again. Look to Brother William Jessop. Let me talk, get a number and I need to call him."  
 Male: "I'll have to go get that number."  
 Warren: "I'll wait."  
 Male: "Okay."  
 Answerer: "Hello."  
 Warren: "Howdy."

### 3:45 LATER

Answerer: "Hello. He's getting that number."  
Warren: "Okay."  
Answerer: "Are you well? Are you alright?"  
Warren: "Not inside. The Lord intervened because I was in a key position and he told me that I haven't held priesthood since twenty because I had been immoral with a sister and later with a daughter. And then..."  
Answerer: "This is just a test for us?"  
Warren: "What's that?"  
Answerer: "May we be praying that this is just a test for us?"  
Warren: "Pray for the real key holder."  
Answerer: "We love you. Here he is."

Male: "Brother Warren, there is two numbers."  
Warren: "Wait a minute. Give me the second number."  
Male: "The second number is 719..."  
Warren: "Pardon?"  
Male: "719..."  
Warren: "Okay."  
Male: "242..."  
Warren: "242."  
Male: "7893."  
Warren: "78...I'm supposed to tell you that I am one of the most wicked men that has ever been on the Earth, since the days of Father Adam. The Lord detected me and came and inspired a correction. Look to Brother William."  
Male: "What would Brother Rulon say?"  
Warren: "I was shown it was a test Father put on the people to see if they could detect the truth. Brother William is an apostle, ordained by Father, I just learned has been in the right place, okay? I just..."  
Male: "Do you want the other number?"  
Warren: "No, this will do."  
Male: "Okay."  
Warren: "I'm telling you so you can know."  
Male: "[Inaudible] Brother Warren, I'm sure [inaudible] for you."  
Warren: "Please pay the lawyer bills, but they'll be done soon, okay?"  
Male: "What would you like done in relation to the court?"  
Warren: "Pay the lawyer bills, but they'll be done soon."  
"I'm telling you so you hear it. It doesn't need to [inaudible] the family, just, I haven't held priesthood since twenty years old because of immoral with..."  
Male: "What is the, is it okay to ask what the sin is?"  
Warren: "What the what?"  
Male: "The sin that you did."  
Warren: "Look to Brother William, a sister and a daughter. Thank you, I just wanted you to hear, thank you."

**01-24-2007 1741 hours DURATION: 2 minutes**  
**NUMBER DIALED: (325) 853-1144**

**ANSWERED BY: Phone**  
**Answerer**

Answerer: "Hello."  
Warren: "Hey, he gave me the wrong number."  
Answerer: "Okay."  
  
Male: "There's another number."  
Warren: "This one was wrong, it wasn't him."  
Male: "It is 719-285-3057."  
Warren: "Okay, thank you. Oh wait, just letting you know that I was shown I hadn't held priesthood until I was twenty. The revelations are valid except for five that I told Naomi."  
Male: "You told her what?"  
Warren: "Except for five and told Naomi and Brother William will [inaudible]. I was immoral with a sister and a daughter when I was younger, so the Lord showed me I'm one of the most wicked men on the face of the Earth since Father Adam's time. All the family has to have all their ordinance work, they're not even part of me. So, just letting you know. Tell [Inaudible] thank you."  
Male: "You're the one. Just a moment, just a moment."

**01-24-2007 1747 hours DURATION: 6 minutes**  
**NUMBER DIALED: (325) 853-1662**

**ANSWERED BY: Phone**  
**Answerer**

Answerer: "Hello."  
Warren: "Howdy, he gave me a wrong number."  
Answerer: "Did that one not work?"  
Warren: "No it, tell him to get the number he and Brother William usually use and he can switch it later."  
Answerer: "He, he's right here."  
  
Male: "Hello."  
Warren: "Hello. That didn't work, the number you and Brother William apparently use and you can just get a new one."  
Male: "Um, I don't have the other number, that one they gave out to [inaudible]."  
Warren: "Any that you have."  
Male: "Um, I don't have [inaudible], I'll have to get..."  
Warren: "Okay, I'll hold on. Thank you."  
  
Warren: "Hello? Are you there? Hello?"  
Answerer: "Will you talk to me?"  
Warren: "Let me talk to #91, is she there?"  
Answerer: "I think."  
  
Naomi: "Hello."  
Warren: "Hello, I want you to believe what I'm telling you now because this is a correction. All those savings were not done right, even with you ladies, okay, so marriage record isn't valid, except for Father's. Okay, I need to talk to presiding elder. Let me talk to the other phone answerer."

Answerer: "Hello."  
 Warren: "Howdy, I'm just letting you know all those ordinances, since Father's passing, are not valid, just letting you know."  
 Answerer: "What about anything before the [inaudible], before Father's passing?"  
 Warren: "Father was there. Let me talk to Brother Merrill now."  
 Answerer: "Okay, he's still trying to get that number."  
 "We're praying for you."  
 Warren: "I'm just a damn soul, damned soul."  
 Answerer: "[Inaudible] just tried that number and Issac said he could talk to him on that number and that it isn't going through."  
 Warren: "What's that?"  
 Answerer: "Issac just talked to him on that number, to the bishop."  
 Warren: "Okay, get it..."  
 Answerer: "Issac wants to know if there's a directive."  
 Warren: "Brother William, look to him."  
 Answerer: "Okay, he's got through on a number here, he's talking to him, he'll give it to you now."  
 Warren: "Okay."  
 Answerer: "Okay."

Issac: "Hey, that number is 719..."  
 Warren: "That's what?"  
 Issac: "719-242-7893."  
 Warren: "I tried it, it didn't work."  
 Issac: "I just called him on it, he's on the other line right now."  
 Warren: "Okay. I'll call him, thank you. [Inaudible]. I'll tell Brother William that all the ordinance work of all the people, since Father's passing, that I've done has to be done over, reappointed and such. Thank you. Ike, I want you to hear this, I'm one of the most wicked men on the Earth since Father Adam's time, Adam's time. That's the correction I received. Thank you and good bye."  
 Issac: "Brother Warren, did you test it?"  
 Warren: "Can't hear you."  
 Issac: "Did you test that statement?"  
 Warren: "Say it again?"  
 Issac: "Did you test the [inaudible]?"  
 Warren: "Did I what?"  
 Issac: "Did you test that spirit?"  
 Warren: "Yes."  
 Issac: "[Inaudible] number one [inaudible]..."  
 Warren: "Thank you. Brother William will tell you more."

01-24-2007 1755 hours DURATION: 2 minutes  
 NUMBER DIALED: (719) 242-7893

ANSWERED BY: William Jessop

Warren: "Hello."  
 William: "Hello Sir."  
 Warren: "You can hear me?"  
 William: "Yes Sir."

Warren: "Okay, I have this message: The Lord intervened and detected me to myself. He showed me that I have not held priesthood since I was twenty years old, having been immoral with a sister and then a daughter. And Father pointing his finger to me was Father's test on all of us. I know of your ordination, that you are the key holder and I sent a note with my signature verifying it so that there is no question, according to Section 43, although not valid. And all the ordinance work since Father's passing has to be re-done. And, there's many men that are sent away that do hold priesthood and their families will need to be put back. And then to say this to you, I am one of the most wicked men on the face of the Earth since the days of Father Adam. Okay? Have you been able to hear me?"

William: "Yes Sir."

Warren: "Thank you and goodbye. You'll need to..."

William: "[Inaudible]."

Warren: "Thank you."

**01-24-2007 1800 hours DURATION: 1 minute**  
**NUMBER DIALED: (325) 853-1662**

**ANSWERED BY: Phone**  
**Answerer**

Answerer: "Hello."

Warren: "Hi, let me talk to Ike."

Answerer: "He is on the road right now."

Warren: "Oh."

Answerer: "Could I give him a message?"

Warren: "No, that's fine thank you."

Answerer: "He, he asked if..."

**01-24-2007 1804 hours DURATION: 2 minutes**  
**NUMBER DIALED: (719) 242-7893**

**ANSWERED BY: William Jessop**

Warren: "Hello?"

William: "Hello."

Warren: "Can you hear me?"

William: "Yes Sir."

Warren: "Just a couple more things I was shown, I had been immoral with a sister and a daughter early on and that's why the priesthood was deprived. Also, I think I'll need to get most of those sent away from land of refuge, families to return and they'll be shown. And also, I haven't held priesthood since I was twenty. I was also shown David Fischer may [inaudible] his family and Lindsay Barlow move into his house, they trade houses. Okay, just letting you know for the revocation."

**Dial Tone**

**01-25-2007 2244 hours DURATION: 4 minutes**  
**NUMBER DIALED: (702) 496-8078**

**ANSWERED BY: Unidentified**  
**Male**

- Warren asked for Nephi and was told that Nephi was located at another number (435)251-9678 or (435)313-8492.

# Attachment 3

**06-11-2007 0720 hours DURATION: 2 minutes**  
**NUMBER DIALED: (325) 853-1144**

**ANSWERED BY: Phone**  
**Answerer**

- Warren requested the number to the presiding elder's mobile phone or home phone. She indicated that the last four numbers to his office phone were 1133 and the last four to his home phone were 1003.

**06-11-2007 0727 hours DURATION: 4 minutes**  
**NUMBER DIALED: (325) 853-1144**

**ANSWERED BY: Phone**  
**Answerer**

- Warren requested the mobile number for the presiding elder because the other numbers did not work. She gave him (505) 420-6867 as Merrill's mobile number.

**06-11-2007 0732 hours DURATION: 2 minutes**  
**NUMBER DIALED: (505) 420-6867**

**ANSWERED BY: Merrill Jessop**

- Warren stated, "I am not the one to be the prophet, and I am not the one to continue. That's all I have to say right now. Thank you."

**06-12-2007 1519 hours DURATION: 2 minutes**  
**NUMBER DIALED: (435) 251-7233**

**ANSWERED BY: Nephi Jeffs**

- Nothing significant noted.

**06-12-2007 1936 hours DURATION: 2 minutes**  
**NUMBER DIALED: (325) 853-1144**

**ANSWERED BY: Phone**  
**Answerer**

- The Phone Answerer indicated that they were concerned about Warren. Warren replied, "I'm the one that must do better."

- Warren asked for the mobile number to the presiding elder. He was given (505) 420-6867 as the number.

**06-12-2007 1939 hours DURATION: 4 minutes**  
**NUMBER DIALED: (505) 420-6867**

**ANSWERED BY: Merrill Jessop**

- Warren stated that he got word from the lawyers that there were concerns about him, but was calling to say that he felt better today. He indicated that he needed to better himself and that his "expressions of unworthiness needed to be careful." He also apologized if he caused any distress or overwhelmed him at all.